

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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In re application of: **KATHRYN A. ENGHOLM**

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Serial No.: **09/633,687**

Technology Center 2600

Art Unit: **2614**

Filed: **August 7, 2000**

Examiner: **Paulos M. Natnael**

For: **STATUS RIBBON FOR DISPLAY FOR MULTIPLE CHANNELS/CODES**

June 23, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

This is an appeal from the Examiner's Communication dated February 14, 2003 finally rejecting certain claims in the above-identified application.

Real Party in Interest

The real party in interest in this case is Appellant's assignee, Tektronix, Inc., an Oregon corporation.

Related Appeals and Interferences

There are no other appeals or interferences related to this case.

Status of Claims

Claims 1-7, 10 and 11 stand finally rejected under 35 U.S.C. 102(b) or 35 U.S.C. 103(a); claim 9 has been canceled; and claims 8, 12 and 13 are objected to as containing allowable subject matter but depending from a rejected claim.

Status of Amendments

No amendments remain unentered as none were submitted after the Examiner's final rejection.

Summary of the Invention

The present invention relates to a signal characteristics display for multiple channels or codes of a telecommunications system where the display is in the form of a status ribbon. The invention is displayed in Fig. 1 as a ribbon **10**, i.e., a narrow strip (length greater than width), having multiple stripes **12**. Each stripe represents a channel or code or group of channels or codes where the characteristic (color/shade) of the stripe represents a value range, such as a pass/caution/fail condition, code activity, power, spreading factor, etc. The result is the compaction of many channels/codes into a single display view for all the channels/codes of the telecommunications system. (See Brief Summary of the Invention, page 2 lines 11-17 and the Detailed Description, page 3 line 10 through page 4 line 9)

Issues

Whether claim 1 is anticipated under 35 U.S.C. 102(a) by Yokoyama et al (U.S. Patent No. 5,291,285)?

Grouping of Claims

Claims 2-7, 10 and 11 stand or fall together with claim 1.

Argument

The basic issue is whether a bar graph display as shown in Yokoyama et al

anticipates a status ribbon display as claimed in the present invention. The Examiner essentially equates the bar graph display region of Yokoyama et al with the "status ribbon" recited by Appellant in claim 1, and the individual bars of the Yokoyama et al display with the "stripes" recited by Appellant.

It is axiomatic that a claim must be read in light of the specification to thereby interpret limitations explicitly recited in the claim without reading limitations of the specification into the claim (*In re Prater and Wei*, 162 USPQ 541, 550), that claim limitations are given their broadest *reasonable* interpretation during prosecution [emphasis added] (*In re Prater and Wei*, op. cit.), and that a patentee may be his own lexicographer so long as the meaning assigned to the term is not repugnant to the term's well known usage. *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947); MPEP 2111.01.

Appellant respectfully submits that the present specification provides a definition of "status ribbon" 10 as shown in Fig. 1 and described at page 3, line 10 through page 4, line 9 which "is not repugnant to the term's well known usage." Each channel/code or group of channels/codes is represented by a "stripe" 12 having a "trait", which is further defined in dependent claims 6 and 7 as including "color" or "brightness" (shading). In contradistinction the bar graph display region 92 of Yokoyama et al shows bars 96, 97, 98 separated by spaces, one bar for each video channel so they do not represent more than a single channel, with a channel level measurement being represented by the amplitude of the bar rather than a trait of the bar itself. Appellant submits that no person, even one with no skill in the art, would reasonably give such a broad interpretation as to equate the bar graph display region with a ribbon or the individual bars with stripes even using ordinary meanings, and especially after reading the specification and seeing Fig. 1. Therefore Appellant

submits that claim 1 is neither anticipated nor rendered obvious to one of ordinary skill in the art by Yokoyama et al.

Conclusion

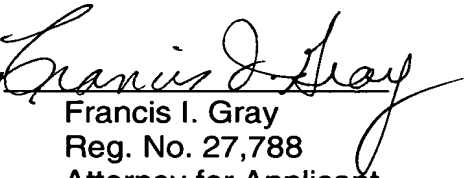
In view of the foregoing argument Appellant requests that the Examiner's rejection of claims 1-7, 10 and 11 be reversed, and that these claims together with dependent claims 8, 12 and 13 be allowed and this application be passed to issue.

TEKTRONIX, INC.
P. O. Box 500, MS 50-LAW
Beaverton, Oregon 97077
(503) 627-7261

6972 US

Respectfully submitted,

KATHRYN A. ENGHOLM

By 
Francis I. Gray
Reg. No. 27,788
Attorney for Applicant

CLAIMS

1. [Appealed] A display of signal characteristics for multiple channels/codes within a region of interest comprising a status ribbon having a plurality of stripes, each stripe representing at least one channel/code within the region of interest and having a trait representative of a value for the at least one channel/code.
2. [Appealed] The display of claim 1 wherein the trait represents a measured value for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels.
3. [Appealed] The display of claim 1 wherein the trait represents a condition for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels.
4. [Appealed] The display of claim 3 wherein the condition is selected from the group consisting of pass and fail.
5. [Appealed] The display of claim 3 wherein the condition is selected from the group consisting of pass, caution and fail.
6. [Appealed] The display of claim 1 wherein the trait is color.
7. [Appealed] The display of claim 1 wherein the trait is brightness.
8. [Allowable] The display of claim 1 further comprising a draggable window

encompassing a subset of the channels for which additional detail is desired where the region of interest is a frequency range having multiple channels.

9. [Canceled] The display of claim 8 further comprising a text display adjacent the status ribbon containing the additional detail.

10. [Appealed] The display of claim 1 wherein the trait represents activity for the at least one code where the region of interest is a digital communications radio frequency channel.

11. [Appealed] The display of claim 1 wherein the trait represents a parameter for the at least one code where the region of interest is a digital communications radio frequency channel.

12. [Allowable] The display of claim 1 further comprising a draggable window encompassing a subset of codes for which additional detail is desired where the region of interest is a digital communications radio frequency channel.

13. [Allowable] The display of claim 12 further comprising a subsidiary window having a plurality of stripes representing the subset of codes, each stripe representing a single one of the subset of codes and having the trait representative of the value for the single one of the subset of codes.